

REMARKS

Claims 12, 13, 16, 18-20 and 26-29 are pending in the application. Claims 13 and 27 have been amended. Support for all amendments, can be found in the specification as originally filed and no new matter has been added. Applicants would like to thank the Examiner for allowing Claims 18-20.

REJECTIONS UNDER 35 USC 102(b)

Claims 13, 16, 27 and 28 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,968,303, hereinafter Clarks et al. This rejection should be withdrawn in view of the remarks and amendments made herein above.

The Office Action alleges that: "Clarks" teaches an injector for injecting fluid from a syringe (20) mounted thereon, comprising a housing (generally 28); and a retaining mechanism (92) made of segments (82, 86) being moveable from a relaxed (Fig. 6) to a tensioned state (Fig 7) by rotation of the syringe (see dotted lines 51, Fig 1) to release the syringe, the retaining mechanism comprising a flexible (radially expandable) elliptical (Fig 7) or circular (Fig 6) ring.

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See *Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Claim 13 has been amended to include subject matter that the "retaining mechanism comprises a flexible ring that is substantially elliptical in the relaxed state"

Support can be found in the specification as originally filed, including at page 36, paragraphs 3-5. Regarding Claim 12, Claim 12 has been amended to depend from Claim 13 and is therefore believed to be allowable.

Claim 27 has been added and includes subject matter of "the retaining mechanism comprises a flexible ring that is substantially circular in the tensioned state."

Support can be found in the specification as originally filed, including at page 36, paragraphs 3-5. Claims 28 and 29 depend from Claim 27 and are therefore believed to be allowable.

REJECTIONS UNDER 35 USC 103

Claims 12 and 29 stand rejected under 35 USC 103(a) as being unpatentable over Clarks as applied to claims above, and further in view of Hitchins et al (US 5,944,694) hereinafter Hitchins. This rejection should be withdrawn in view of the remarks and amendments made hereinabove.

Claim 12 depends from Claim 13, which as discussed is believed to be allowable. Thus, Claim 12 is also believed to be allowable. Accordingly, reconsideration of Claim 12 is respectfully requested.

Claim 29 depends from Claim 28, which as discussed is believed to be allowable. Thus, Claim 29 is also believed to be allowable. Accordingly, reconsideration of Claim 29 is respectfully requested.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

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